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HOUSE BILL 1020

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

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AN ACT

RELATING TO PHARMACY; PROHIBITING THE USE OF CERTAIN DRUGS
WITHOUT CONSENT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Drug Product Selection
Act is enacted to read:

"[NEW MATERIAL] ANTI-EPILEPTIC DRUGS--SELECTION
PROHIBITED.--

A. As used in this section:

(1) "anti-epileptic drug" means a drug
prescribed for the treatment of epilepsy or to treat or prevent
seizures;

(2) "epilepsy" means a neurological condition
characterized by recurrent seizures;

(3) "interchange" means the substitution of

underscoring material = new
[bracketed material] = delete

1 one version of the same anti-epileptic therapeutic product,
2 including a generic version, for the prescribed brand, a brand
3 version for the prescribed generic version, a generic version
4 by one manufacturer for a generic version by a different
5 manufacturer, a different formulation of the prescribed anti-
6 epileptic drug or a different anti-epileptic therapeutic drug
7 product for the anti-epileptic product originally prescribed;
8 and

9 (4) "seizures" means acute clinical change
10 secondary to brief disturbances in the electrical activity of
11 the brain.

12 B. A pharmacist shall not interchange an anti-
13 epileptic drug or formulation of an anti-epileptic drug,
14 whether brand or generic, for the treatment of epilepsy or
15 seizures without the prior written informed consent of the
16 prescribing physician and the person, or the person's legal
17 representative, for whom the anti-epileptic drug was
18 prescribed."

19 Section 2. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.